REMARKS

Claims 1-29 are pending in the current application. Claims 1-29 currently stand rejected, and claims 1, 28, and 29 have been amended. Reconsideration and allowance of claims 1-29 are respectfully requested in light of the preceding amendments and following remarks.

Claim Rejections – 35 U.S.C. § 103

Claims 1-7 and 9-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over EP Patent 0608941 to Maasland et al. ("Maasland") in view of EP Patent 1213676 to Harmsen et al. ("Harmsen"). Claims 28 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Harmsen in view of Maasland. Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Maasland in view of Harmsen and US Pat 3,261,324 to Conover ("Conover"). Applicants respectfully traverse this rejection for the reasons detailed below.

With regard to claims 1 and 21 **as previously presented**, the Examiner alleges that Maasland teaches each and every element of these claims except for a configuration permitting a "mix the plurality of groups including the large number of milking animals in at least one of said resting, feeding and milking areas," which Harmsen allegedly teaches. Applicants respectfully submit that Maasland may not be modified with Harmsen to permit mixing of its animals, as such combination destroys the entire operating principal of Maasland. Maasland teaches an automated scheduling system that **requires groups of**

animals to remain separate in any of the feeding, resting, or milking areas applied by the Examiner. *See* Maasland, Col. 3, ll. 41-53. **Each group** of animals is given a **unique schedule** for certain activities in Maasland; none of the automated devices in Maasland are configured to mix the groups, because doing so would destroy the unique group schedule. *See* Maasland, Col. 3, l. 56 – Col. 5, l. 29. Mixing the separately-scheduled groups of animals in Maasland in the common areas 10.1, 10.2, and 10.3 of Harmsen would permit animals on different schedules for different activities to be mixed in the same activity area. That is, animals in one group of Maasland, ready for feeding, could be mixed with animals in a different group of Maasland, already fed and ready for resting, in a milking area of Harmsen. This would destroy the specific schedule of the groups in Maasland. Such destruction is not permissible under § 103(a), and thus Maasland cannot be combined with Harmsen to render claims 1 or 27 obvious. *See* MPEP § 2143.01(VI) ("If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. In re Ratti, 270 F.2d 810 (C.C.P.A. 1959)").

With regard to claim 21 specifically, the Examiner maintains that Maasland discloses sections that are "linked to said milking area so that **milking animals housed in the respective section have access to a subset only of said plurality of milking boxes,**" because only one animal can go in one box in Maasland. Applicants respectfully resubmit that the resting areas

4-11 do not provide access to only a subset of milking boxes; indeed, **animals in the resting areas 4-11 are not prevented from accessing any milking box**. *See* Maasland, FIG. 1, elements 4-11, 31, 32. An animal is free to use any subset of milking boxes, regardless of the partitions between areas 4-11 or any linking of areas in Maasland. The Examiner's assertion that access to a particular milking box may be cut off by other animals somehow meets claim 21 ignores the plain language of the claim. Claim 21 recites "each [section] being linked to said milking area so that milking animals housed in the respective section have access to a subset only of said plurality of milking boxes;" that is, the linking of the sections must prevent access, not other animals. Thus, Maasland lacks the linked sections as recited in claim 21.

Applicants have further amended claim 1 to recite a "common entry through which all of said milking animals pass" while moving into the feeding, resting, or milking area. Maasland and Harmsen each fail to teach such a common entry. Rather, Maasland teaches a **plurality of entries** 20, 21 in parallel through which animals pass to reach an activity area. *See* Maasland, Col. 2, ll. 49-52. Harmsen teaches **several doors** 12.1, 12.2 through which animals must pass in order to reach every area 10.1, 10.2, and 10.3. See Harmsen, Col. 6, ll. 7-15. Thus, neither Maasland nor Harmsen disclose a common entry of all animals passing to the feeding, resting, or milking area as recited in claim 1.

Because Maasland, alone or in combination with Harmsen, fails to teach or suggest each and every feature of claims 1 and 21 and cannot be combined

under § 103(a) to render claim 1 or 21 obvious, these references cannot anticipate or render obvious claims 1 or 21. Claims 2-7, 9-20, and 22-27 are allowable at least for depending from an allowable base claim. Claims 28 and 29 are allowable over Maasland and Harmsen at least for reciting the same unique subject matter of claim 1, discussed above, and because Maasland and Harmsen are not combinable. Withdrawal of the rejections under 35 U.S.C. § 103(a) to claims 1-7 and 9-29 is respectfully requested.

Conover does not cure the disclosure and suggestion deficiencies of Maasland and Harmsen, discussed above. Because Maasland, alone or in combination with Harmsen and Conover, fails to teach or suggest each and every feature of claims 1 or 21, these references cannot anticipate or render obvious claims 1 or 21. Claim 8 is allowable at least for depending from an allowable base claim. Withdrawal of the rejection under 35 U.S.C. § 103(a) to claim 8 is respectfully requested.

Entry of Amendment Requested

Entry of the amendments to the claims after final is respectfully requested. As detailed above, the claims are already allowable over the art of record, such that the amendments will not themselves necessitate any additional search and consideration. Further, the above amendments to the claims place the claims in position for allowance, or at least in a better position for appeal. Thus, entry of the above amendments to the claims under 37 C.F.R. § 1.116 is permitted and respectfully requested.

Examiner Interview Requested

Should the Examiner maintain any of the abovementioned rejections, Applicants respectfully request an interview with the Examiner in order to discuss any maintained rejections. Applicants respectfully request the Examiner contact Applicants representative, Ryan Alley, at 703.668.8046 or ralley@hdp.com in order to schedule such an interview and obtain an agenda for the same, before issuing a further Office Action or Advisory Action.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-29 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By _____
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